
HOUSE BILL No. 1349

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1; IC 6-2.1-3; IC 6-2.5-5-39; IC 6-3.1; IC 13-11-2-160; IC 13-25-4-8.

Synopsis: Indiana jobs recovery act. Delays the effective date of rules regulating the assessment of tangible personal property for two years. Provides a 100% deduction for the assessed value of new manufacturing equipment for two years after it is placed in service. Exempts the following from gross income tax: (1) gross receipts received for research and development; (2) gross receipts received by a taxpayer that has been doing business in Indiana for less than two years; and (3) for two years, gross receipts received by a taxpayer that does not have any adjusted gross income. Exempts purchases for research and development from sales tax. Allows the economic development for a growing economy (EDGE) board to grant an EDGE credit to a taxpayer that preserves jobs in Indiana. Exempts an owner that acquires a brownfield, and undertakes measures to prevent exacerbation of the existing contamination from liability under the environmental management laws. Repeals provisions that: (1) limit the aggregate amount of voluntary remediation tax credits that may be granted in a state fiscal year; (2) requires replacement of lost state revenues related to the granting of a voluntary remediation tax credit from the environmental remediation revolving loan fund; and (3) prohibits the granting of a voluntary remediation tax credit after 2003.

Effective: Upon passage; January 1, 2002 (retroactive); July 1, 2002.

Dumézich, Stevenson, Kuzman

January 15, 2002, read first time and referred to Committee on Ways and Means.



C
o
p
y

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1349

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-1.1-3-22 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2002 (RETROACTIVE)]: **Sec. 22. (a) Except to the**
4 **extent that the rule specifically conflicts with a statute, tangible**
5 **personal property subject to this chapter shall be assessed on the**
6 **assessment dates in calendar years 2002 and 2003, in conformity**
7 **with 50 IAC 4.2 (as in effect January 1, 2001). The publisher of the**
8 **Indiana Administrative Code shall continue to publish 50 IAC 4.2**
9 **in the Indiana Administrative Code until at least December 31,**
10 **2004.**

11 **(b) This section expires January 1, 2005.**

12 SECTION 2. IC 6-1.1-8-44 IS ADDED TO THE INDIANA CODE
13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
14 JANUARY 1, 2002 (RETROACTIVE)]: **Sec. 44. (a) Except to the**
15 **extent that the rule specifically conflicts with a statute, tangible**
16 **personal property of a public utility subject to this chapter shall be**
17 **assessed on the assessment dates in calendar years 2002 and 2003,**



C
o
p
y

in conformity with 50 IAC 5.1 (as in effect January 1, 2001) and, to the extent it is not in conflict with 50 IAC 5.1 (as in effect January 1, 2001), and 50 IAC 4.2 (as in effect January 1, 2001). The publisher of the Indiana Administrative Code shall continue to publish 50 IAC 5.1 (as in effect January 1, 2001) and 50 IAC 4.2 (as in effect January 1, 2001) in the Indiana Administrative Code until at least December 31, 2004.

(b) This section expires January 1, 2005.

SECTION 3. IC 6-1.1-12-41 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]: Sec. 41. (a) As used in this section, "new manufacturing equipment" means any tangible personal property that:

(1) is placed in service after March 1, 2002, and before March 2, 2005;

(2) is used in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property, including use to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products; and

(3) was acquired by its owner after March 1, 2002, and before March 2, 2004, for use as described in subdivision (1) and was never before used by its owner for any purpose in Indiana.

(b) An owner of new manufacturing equipment is entitled to a deduction from the assessed value of the new manufacturing equipment for a period of two (2) years after the new manufacturing equipment is placed in service. The amount of the deduction that an owner is entitled to receive under this section for a particular year equals the product of:

(1) the assessed value of the new manufacturing equipment in the year that the equipment is placed in service; multiplied by

(2) the percentage prescribed in the following table:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	100%
3rd and thereafter	0%

(c) The owner shall apply for the deduction in the manner prescribed by the department of local government finance on the personal property tax return that the owner files for the property under IC 6-1.1-3-7 or IC 6-1.1-8-23. The application must be filed by the filing date required for the personal property tax return, as



C
O
P
Y

1 extended by any extension granted by the township assessor under
2 IC 6-1.1-3-7.

3 (d) This section expires December 31, 2006.

4 SECTION 4. IC 6-2.1-3-36 IS ADDED TO THE INDIANA CODE
5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
6 JANUARY 1, 2002 (RETROACTIVE)]: Sec. 36. (a) As used in this
7 section, "product" includes a pilot model, a process, a formula, an
8 invention, a technique, a patent, or a similar property. The term
9 includes property to be used in a taxpayer's trade or business and
10 property to be held for sale, lease, or license, regardless of whether
11 the property is ultimately placed in service, sold, leased, or
12 licensed.

13 (b) As used in this section, "research and development" means
14 laboratory or experimental activity to develop or improve a
15 product or to discover information that would eliminate
16 uncertainty concerning the development or improvement of a
17 product.

18 (c) The term "research and development" does not include any
19 of the following:

20 (1) The ordinary testing or inspection of materials or products
21 for quality control. The quality control testing to which this
22 subdivision applies includes testing or inspection to determine
23 whether particular units of materials or products conform to
24 specified parameters. Quality control testing does not include
25 testing to determine if the design of a product is appropriate.

26 (2) Efficiency surveys.

27 (3) Management studies.

28 (4) Consumer surveys.

29 (5) Advertising or promotions.

30 (6) The acquisition of another's patent, model, production,
31 process, or other product.

32 (7) Research in connection with literary, historical, or similar
33 projects.

34 (8) Activities to ascertain the existence, location, extent, or
35 quality of any deposit of oil, gas, ore, or other mineral.

36 (9) Assembly, construction, or installation of property that is
37 placed in service or held for sale, lease, or license.

38 (d) As used in this section, "uncertainty" means the
39 unavailability to the taxpayer of information that is necessary to
40 establish the capability or method for developing or improving the
41 product or the appropriate design of the product.

42 (e) Gross receipts from research and development activities are

C
o
p
y



1 exempt from the gross income tax.

2 SECTION 5. IC 6-2.1-3-37 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
4 JANUARY 1, 2002 (RETROACTIVE)]: **Sec. 37. (a) For purposes of**
5 **this section, a taxpayer shall be treated as doing business in**
6 **Indiana on the earliest of the date that:**

- 7 (1) the taxpayer begins doing business in Indiana;
8 (2) another person with at least a twenty percent (20%)
9 ownership interest in the taxpayer begins doing substantially
10 the same business in Indiana, regardless of whether the other
11 person engages in other business in Indiana; or
12 (3) another person that transferred at least twenty percent
13 (20%) of the book value of the depreciable assets of the
14 taxpayer begins doing substantially the same business in
15 Indiana, regardless of whether the other person engages in
16 other business in Indiana.

17 (b) Gross receipts received by a taxpayer that has been doing
18 business in Indiana for not more than the greater of:

- 19 (1) two (2) taxable years; or
20 (2) a period that is not more than two (2) years after the
21 taxpayer begins doing business in Indiana;

22 are exempt from gross income tax.

23 SECTION 6. IC 6-2.1-3-38 IS ADDED TO THE INDIANA CODE
24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
25 JANUARY 1, 2002 (RETROACTIVE)]: **Sec. 38. (a) In a taxable year**
26 **ending before July 1, 2005, gross receipts received by a taxpayer**
27 **that has adjusted gross income (as defined in IC 6-3-1-3.5) that**
28 **does not exceed zero dollars (\$0) in the taxpayer's taxable year**
29 **under this article are exempt from gross income tax.**

30 (b) This section expires July 1, 2005.

31 SECTION 7. IC 6-2.5-5-39 IS ADDED TO THE INDIANA CODE
32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
33 1, 2002]: **Sec. 39. (a) As used in this section, "product" includes a**
34 **pilot model, a process, a formula, an invention, a technique, a**
35 **patent, or a similar property. The term includes property to be**
36 **used in a taxpayer's trade or business and property to be held for**
37 **sale, lease, or license, regardless of whether the property is**
38 **ultimately placed in service, sold, leased, or licensed.**

39 (b) As used in this section, "research and development" means
40 laboratory or experimental activity to develop or improve a
41 product or to discover information that would eliminate
42 uncertainty concerning the development or improvement of a

C
o
p
y



product.

(c) The term "research and development" does not include any of the following:

(1) The ordinary testing or inspection of materials or products for quality control. The quality control testing to which this subdivision applies includes testing or inspection to determine whether particular units of materials or products conform to specified parameters. Quality control testing does not include testing to determine if the design of a product is appropriate.

(2) Efficiency surveys.

(3) Management studies.

(4) Consumer surveys.

(5) Advertising or promotions.

(6) The acquisition of another's patent, model, production, process, or other product.

(7) Research in connection with literary, historical, or similar projects.

(8) Activities to ascertain the existence, location, extent, or quality of any deposit of oil, gas, ore, or other mineral.

(9) Assembly, construction, or installation of property that is placed in service or held for sale, lease, or license.

(d) As used in this section, "uncertainty" means the unavailability to the taxpayer of information necessary to establish the capability or method for developing or improving the product or the appropriate design of the product.

(e) Transactions involving tangible personal property are exempt from the state gross retail tax if the person acquiring the property acquires it for direct use in research and development.

SECTION 8. IC 6-3.1-13-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]: Sec. 5. As used in this chapter, "incremental income tax withholdings" means the total amount withheld under IC 6-3-4-8 by the taxpayer during the taxable year from the compensation of new employees **or employees retained as a result of the granting of a credit under this chapter.**

SECTION 9. IC 6-3.1-13-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]: Sec. 13. (a) The board may make credit awards under this chapter to foster job creation **or promote job retention, or both,** in Indiana.

(b) The credit shall be claimed for the taxable years specified in the taxpayer's tax credit agreement.

SECTION 10. IC 6-3.1-13-14 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]:
 Sec. 14. A person that proposes a project to create new jobs **or retain jobs, or both**, in Indiana may apply to the board to enter into an agreement for a tax credit under this chapter. The director shall prescribe the form of the application.

SECTION 11. IC 6-3.1-13-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]: **Sec. 15.5. After receipt of an application, the board may enter into an agreement with the applicant for a credit under this chapter if the board determines that all the following conditions exist:**

(1) The applicant's project will retain full-time employee jobs previously performed by employees of the applicant in Indiana (other than an employee described in section 6(b)(3) of this chapter) or maintain a level of full-time employee employment previously maintained by the applicant, even if employees, with or without additional training, will perform different tasks than were previously performed by employees of the applicant.

(2) The applicant's project is economically sound and will benefit the people of Indiana by maintaining opportunities for employment and for strengthening the economy of Indiana.

(3) The political subdivisions affected by the project have committed significant local incentives with respect to the project.

(4) Receiving the tax credit is a major factor in the applicant's decision to retain jobs in Indiana, and not receiving the tax credit will result in the applicant's not retaining jobs in Indiana.

(5) Awarding the tax credit will result in an overall positive fiscal impact to the state, as certified by the budget agency using the best available data.

SECTION 12. IC 6-3.1-13-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]:
 Sec. 16. A person is not entitled to claim the credit provided **by under an agreement entered into under section 15** of this chapter for any jobs that the person relocates from one (1) site in Indiana to another site in Indiana. Determinations under this section shall be made by the board.

SECTION 13. IC 6-3.1-13-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]:
 Sec. 17. In determining the credit amount that should be awarded, the

C
o
p
y



board shall take into consideration the following factors:

- (1) The economy of the county where the projected investment is to occur.
- (2) The potential impact on the economy of Indiana.
- (3) The magnitude of the cost differential between Indiana and the competing state, **if a credit is granted under an agreement entered into under section 15 of this chapter.**
- (4) The incremental payroll attributable to the project.
- (5) The capital investment attributable to the project.
- (6) The amount the average wage paid by the applicant exceeds the average wage paid within the county in which the project will be located.
- (7) The costs to Indiana and the affected political subdivisions with respect to the project.
- (8) The financial assistance that is otherwise provided by Indiana and the affected political subdivisions.

SECTION 14. IC 6-3.1-13-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]:
 Sec. 19. The board shall enter into an agreement with an applicant that is awarded a credit under this chapter. The agreement must include all of the following:

- (1) A detailed description of the project that is the subject of the agreement.
- (2) The duration of the tax credit and the first taxable year for which the credit may be claimed.
- (3) The credit amount that will be allowed for each taxable year.
- (4) A requirement that the taxpayer shall maintain operations at the project location for at least two (2) times the number of years as the term of the tax credit.
- (5) A specific method for determining:
 - (A) the number of new employees employed during a taxable year who are performing jobs not previously performed by an employee, **if a credit is granted under an agreement entered into under section 15 of this chapter; or**
 - (B) either:
 - (i) the number of employees employed during a taxable year who are performing jobs that were retained; or
 - (ii) the level of employment that was maintained during the taxable year;**as a result of a credit granted under an agreement entered into under section 15.5 of this chapter.**
- (6) A requirement that the taxpayer shall annually report to the

C
o
p
y



board:

(A) the number of new employees who are performing jobs not previously performed by an employee **and** the new income tax revenue withheld in connection with the new employees, **if a credit is granted under an agreement entered into under section 15 of this chapter; or**

(B) **the number of employees who were retained or the level of employment that was maintained as a result of a credit granted under an agreement entered into under section 15.5 of this chapter and the incremental income tax withholdings in connection with the employees; and**

any other information the director needs to perform the director's duties under this chapter.

(7) A requirement that the director is authorized to verify with the appropriate state agencies the amounts reported under subdivision (6), and after doing so shall issue a certificate to the taxpayer stating that the amounts have been verified.

(8) A requirement that the taxpayer shall provide written notification to the director and the board not more than thirty (30) days after the taxpayer makes or receives a proposal that would transfer the taxpayer's state tax liability obligations to a successor taxpayer.

(9) Any other performance conditions that the board determines are appropriate.

SECTION 15. IC 6-3.1-13-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]: Sec. 24. On a biennial basis, the board shall provide for an evaluation of the tax credit program, giving first priority to using the Indiana economic development council, established under IC 4-3-14-4. The evaluation shall include an assessment of the effectiveness of the program in creating new jobs **and retaining jobs** in Indiana and of the revenue impact of the program, and may include a review of the practices and experiences of other states with similar programs. The director shall submit a report on the evaluation to the governor, the president pro tempore of the senate, and the speaker of the house of representatives after June 30 and before November 1 in each odd-numbered year.

SECTION 16. IC 6-3.1-23-5, AS ADDED BY P.L.109-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]: Sec. 5. (a) A taxpayer is entitled to a credit equal to the amount determined under section 6 of this chapter against the taxpayer's state tax liability for a taxable year

C
o
p
y



if the following requirements are satisfied:

(1) The taxpayer does the following:

(A) Makes a qualified investment in that taxable year.

(B) Makes a good faith attempt to recover the costs of the environmental damages from the liable parties.

(C) Submits a plan to the legislative body of the political subdivision in which the property is located to redevelop the property in a manner in which the legislative body determines to be in the best interest of the community.

(2) The legislative body of the political subdivision in which the property is located adopts a resolution under section 7 of this chapter approving the credit.

~~(3) The department determines under section 15 of this chapter that the taxpayer's return claiming the credit is filed with the department before the maximum amount of credits allowed under this chapter is met.~~

(b) The redevelopment plan must include a statement of public benefits, which must include the following:

(1) A description of the proposed redevelopment.

(2) An estimate of the number of individuals who will be employed or housed in the new development and an estimate of the annual salaries of the employees.

(c) In determining whether the redevelopment is in the best interest of the community, the legislative body must consider, among other things, whether the proposed development promotes:

(1) the development of low to moderate income housing;

(2) the development of green space;

(3) the development of high technology businesses; or

(4) the creation or retention of high paying jobs.

SECTION 17. IC 13-11-2-160 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 160. "Petroleum", for purposes of:

(1) IC 13-23;

(2) IC 13-24-1; ~~and~~

(3) IC 13-25-4; and

(4) IC 13-25-5;

includes petroleum and crude oil or any part of petroleum or crude oil that is liquid at standard conditions of temperature and pressure (sixty degrees Fahrenheit (60°F)) and fourteen and seven-tenths (14.7) pounds per square inch absolute).

SECTION 18. IC 13-25-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Except as

C
o
p
y



provided in subsection (b), (c), or (d), a person that is liable under Section 107(a) of CERCLA (42 U.S.C. 9607(a)) for:

- (1) the costs of removal or remedial action incurred by the commissioner consistent with the national contingency plan;
 - (2) the costs of any health assessment or health effects study carried out by or on behalf of the commissioner under Section 104(i) of CERCLA (42 U.S.C. 9604(i)); or
 - (3) damages for:
 - (A) injury to;
 - (B) destruction of; or
 - (C) loss of;
- natural resources of Indiana;

is liable, in the same manner and to the same extent, to the state under this section.

(b) The exceptions provided by Section 107(b) of CERCLA (42 U.S.C. 9607(b)) to liability otherwise imposed by Section 107(a) of CERCLA (42 U.S.C. 9607(a)) are equally applicable to any liability otherwise imposed under subsection (a).

(c) Notwithstanding any liability imposed by the environmental management laws, a lender, a secured or unsecured creditor, or a fiduciary is not liable under the environmental management laws, in connection with the release or threatened release of a hazardous substance **or petroleum** from a facility unless the lender, the fiduciary, or creditor has participated in the management of the hazardous substance **or petroleum** at the facility.

(d) Notwithstanding any liability imposed by the environmental management laws, the liability of a fiduciary for a release or threatened release of a hazardous substance **or petroleum** from a facility that is held by the fiduciary in its fiduciary capacity may be satisfied only from the assets held by the fiduciary in the same estate or trust as the facility that gives rise to the liability.

(e) A political subdivision (as defined in IC 36-1-2-13) is not liable to the state under this section for costs or damages associated with the presence of a hazardous substance on, in, or at a property in which the political subdivision acquired an interest in the property:

- (1) under IC 6-1.1-24 or IC 6-1.1-25, bankruptcy, abandonment, or other circumstances in which the political subdivision involuntarily acquired an interest in the property; or
- (2) to conduct remedial actions on a brownfield;

after the hazardous substance **or petroleum** was disposed of or placed on, in, or at the property.

(f) Notwithstanding any liability imposed by the environmental

C
o
p
y



management laws, an owner and any operator with management control over a brownfield is not liable under the environmental management laws for costs or damages associated with the presence of a hazardous substance or petroleum on, in, or at a property, including the costs of any remediation, if:

(1) The owner and any operator with management control over the brownfield has not contributed to the contamination of the brownfield with hazardous substances or petroleum.

(2) The owner submits to the commissioner an environmental assessment of the actual or threatened release of the hazardous substance or petroleum at the site. The assessment must include the following information:

(A) A legal description of the site.

(B) The physical characteristics of the site.

(C) The operational history of the site to the extent the history is known by the owner.

(D) To the extent feasible, a description of:

(i) the identity, quantity, and location of every hazardous substance or petroleum deposited, stored, disposed of, or placed on the real property; and

(ii) the extent to which each hazardous substance or petroleum remains on the property.

(E) Relevant information the owner is aware of concerning the potential for human exposure to contamination at the site.

(3) The owner and any operator with management control over the brownfield undertakes measures as are necessary to prevent exacerbation of the existing contamination.

(4) The owner and any operator with management control over the brownfield exercises due care by undertaking response activity necessary to:

(A) mitigate unacceptable exposure to hazardous substances or petroleum;

(B) mitigate fire and explosion hazards due to hazardous substances or petroleum; and

(C) allow for the intended use of the brownfield in a manner that protects public health and safety.

(5) The owner and any operator with management control over the brownfield takes reasonable precautions against the reasonably foreseeable acts or omissions of a third party and the consequences that foreseeably could result from those acts or omissions.

C
o
p
y



1 Failure of an owner or operator to comply with this subsection
 2 concerning any particular hazardous substance or petroleum
 3 affects only liability with respect to that hazardous substance or
 4 petroleum and does not waive or extinguish the immunity from
 5 liability provided under this subsection related to the presence of
 6 any other hazardous substance or petroleum on, at, or in property.

7 SECTION 19. THE FOLLOWING ARE REPEALED [EFFECTIVE
 8 JANUARY 1, 2002 (RETROACTIVE)]: IC 6-3.1-23-15;
 9 IC 6-3.1-23-16.

10 SECTION 20. [EFFECTIVE JANUARY 1, 2002
 11 (RETROACTIVE)] (a) The effective date of 50 IAC 4.3 (assessment
 12 of tangible personal property), if added by a rule adopted by the
 13 state board of tax commissioners (LSA Document #00-284), is
 14 suspended until the later of March 1, 2004, or the applicable date
 15 established under IC 4-22-2-36.

16 (b) The effective date of 50 IAC 5.2 (assessment of public utility
 17 property), if added by a rule adopted by the state board of tax
 18 commissioners or the department of local government finance
 19 (LSA Document #01-347), is suspended until the later of March 1,
 20 2004, or the applicable date established under IC 4-22-2-36.

21 SECTION 21. [EFFECTIVE JANUARY 1, 2002
 22 (RETROACTIVE)] (a) IC 6-1.1-12-41, as added by this act, applies
 23 only to property taxes first due and payable after December 31,
 24 2003.

25 (b) The following apply to taxable years beginning after
 26 December 31, 2001:

27 (1) IC 6-2.1-3-36, IC 6-2.1-3-37, IC 6-2.1-3-38, and
 28 IC 6-3.1-13-15.5, all as added by this act.

29 (2) IC 6-3.1-13-5, IC 6-3.1-13-13, IC 6-3.1-13-14,
 30 IC 6-3.1-13-16, IC 6-3.1-13-17, IC 6-3.1-13-19, IC 6-3.1-13-24,
 31 and IC 6-3.1-23-5, all as amended by this act.

32 (3) The repeal of IC 6-3.1-23-15 and IC 6-3.1-23-16, by this
 33 act.

34 (c) IC 6-2.5-5-39, as added by this act, applies to retail
 35 transactions occurring after June 30, 2003. For purposes of
 36 IC 6-2.5-5-39, all transactions shall be considered as having
 37 occurred after June 30, 2003, to the extent that delivery of the
 38 property or services constituting selling at retail is made after that
 39 date to the purchaser or to the place of delivery designated by the
 40 purchaser. However, a transaction shall be considered as having
 41 occurred before July 1, 2003, to the extent that the agreement of
 42 the parties to the transaction was entered into before July 1, 2003,



C
o
p
y

1 **and payment for the property or services furnished in the**
 2 **transaction is made before July 1, 2003, notwithstanding the**
 3 **delivery of the property or services after June 30, 2003.**
 4 **SECTION 22. An emergency is declared for this act.**

C
o
p
y

